



CITY OF BLUE LAKE

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DATE: April 22, 2021

FROM: Amanda Mager, City Manager
Garry Rees, City Planner

TO: Blue Lake City Council

RE: Amendment of Title 17 (Zoning) of the Municipal Code to add an Opportunity (O) Zone and amendment of the Zoning Map to apply the Opportunity (O) and Open Space/Recreation (X) Zoning Classifications to properties in the Powers Creek District (formerly Blue Lake Business Park)

From June 2017 to April 2019, city staff and the Planning Commission worked on the creation of a new zone that would be applied to the rebranded Powers Creek District (former Business Park) to encourage new development opportunities. The proposed zone is referred to as the Opportunity (O) zone, which is intended to allow a variety of commercial, manufacturing, and residential uses. The overall intent of the zone is to allow a beneficial mixture of businesses and residential uses to provide more of a live-work type environment.

At the April 15, 2019 Planning Commission meeting, the Commission adopted Resolution 3-2019, which contained its recommendations for amendment of Title 17 (Zoning) of the Municipal Code to create the O zone. The Planning Commission recommendation in Resolution 3-2019 also proposed amendment of the Zoning Map to apply the O zone and Open Space/Recreation (X) zone to properties in the Powers Creek District. At the May 26, 2020 City Council meeting, the Council received the recommendations from the Planning Commission for amendment of Title 17 (Zoning) of the Municipal Code and amendment of the Zoning Map. From May 2020 to February 2021, the City Council held public hearings and received public input on the proposed O zone and Zoning Map amendments. During this time the City Council made minor modifications to the Planning Commission recommendation for the O zone that were previously considered by the Planning Commission. The City Council concluded its review of the Planning Commission recommendation at their February 9, 2021 meeting.

This item is scheduled for hearing at the April 27, 2021 City Council meeting for the Council to introduce and conduct the first reading, by title only, of Ordinance 539 (see attached), an Ordinance of the City Council of the City of Blue Lake Amending Title 17 of The Blue Lake Municipal Code to Adopt an Opportunity (O) Zone Within the City of Blue Lake and To Amend the Zoning Map to Apply the Opportunity (O) and Open Space/Recreation (X) Zoning Classifications To Properties in the Powers Creek District (Formerly Blue Lake Business Park).

RECOMMENDATION:

Staff recommends that the City Council:

- 1) Receive a report from staff about Ordinance 539.
- 2) Open the public hearing and take public testimony.
- 3) Close the public hearing.
- 4) Introduce and perform the first reading of Ordinance 539 by title only.
- 5) Continue the public hearing to the May 11, 2021 City Council meeting for the second reading and adoption of Ordinance 539.

ORDINANCE NO. 539

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE AMENDING TITLE 17 OF THE BLUE LAKE MUNICIPAL CODE TO ADOPT AN OPPORTUNITY (O) ZONE WITHIN THE CITY OF BLUE LAKE AND TO AMEND THE ZONING MAP TO APPLY THE OPPORTUNITY (O) AND OPEN SPACE/RECREATION (X) ZONING CLASSIFICATIONS TO PROPERTIES IN THE POWERS CREEK DISTRICT (FORMERLY BLUE LAKE BUSINESS PARK)

WHEREAS, pursuant to its broad police powers, the City Council of the City of Blue Lake is authorized to adopt reasonable regulations governing the use of real property within the City of Blue Lake;

WHEREAS, pursuant to Section 17.28.010 of Title 17 of the Blue Lake Municipal Code, the City Council has the authority to amend the Zoning Code of the City of Blue Lake to, among other things, create new zones within the City of Blue Lake and to adopt reasonable land use regulations within such zones;

WHEREAS, pursuant to timely notice as required by to Section 17.28.010 of the Blue Lake Municipal Code, the Planning Commission of the City of Blue Lake held public hearings to study and make recommendations to the City Council on the proposed amendments contained herein, at which hearings members of the public were invited to provide input;

WHEREAS, pursuant to Resolution No. 3-2019, adopted by the Planning Commission on April 15, 2019, the Planning Commission submitted its written recommendations to the City Council on the proposed amendments contained herein;

WHEREAS, pursuant to Section 17.28.010(J) of the Blue Lake Municipal Code, the City Council held a public hearing on February 9, 2021, and on April 27, 2021, among other dates, to consider approving, modifying or disapproving the recommendation of the Planning Commission;

WHEREAS, the City Council has approved, with minor modification previously considered by the Planning Commission, the recommendations of the Planning Commission, as hereinafter set forth; and

WHEREAS, the City Council finds that the regulations set forth below are consistent with the General Plan of the City of Blue Lake and are reasonable.

NOW THEREFORE, the City Council of the City of Blue Lake does ordain as follows:

Section 1. Code Amendment. Section 17.16.111 is hereby added to Chapter 17.16 of Title 17 of the Blue Lake Municipal Code as set forth in Exhibit “1” to this Ordinance as if set forth in full herein.

Section 2. Amendment of Zoning Map. Section 17.12.050 (Zoning Map) of Chapter 17.12

of the Blue Lake Municipal Code, as amended, is hereby amended by changing the zoning classification to “O” for those parcels shown and depicted on Exhibit “2” hereto and by changing the zoning classification to “X” for those parcels as shown and depicted on Exhibit “2” hereto.

Section 3. Findings. The City Council hereby finds as follows:

A. The proposed amendments to Chapter 17.16 of Title 17 of the Blue Lake Municipal Code, as set forth in Section 1 are consistent with the General and Specific Plans of the City of Blue Lake, as the same are amended by Resolution No. 1184, in that the various land uses authorized by the proposed amendments are compatible with the objectives, policies, general land uses, and programs specified in the general plan.

B. The change in uses proposed are consistent and compatible with those uses currently existing or allowed and/or are further limited by development standards and performance standards in the proposed Opportunity Zone.

C. The public necessity, convenience and general welfare requires, and is best promoted by, the adoption of the re-zoning set forth in Section 1, above.

Section 4. CEQA. The City has reviewed the Ordinance for compliance with the California Environmental Quality Act and has determined that Ordinance does not constitute a “project” under CEQA because it cannot be shown the Ordinance will result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The change in uses proposed are consistent and compatible with those uses currently existing or allowed and/or are further limited by development standards and performance standards in the proposed Opportunity Zone. Further, for all uses that are principally permitted in the Opportunity zone, Site Plan Approval will be required, which is a discretionary permit. Therefore, for all uses that are principally and conditionally permitted, a CEQA analysis of future development will occur when complete application materials are submitted for future projects.

Section 5. Severability. If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 6. Effective Date. The effective date of this ordinance is thirty (30) days after its adoption by the City Council.

INTRODUCED AND FIRST READING PERFORMED on the 27th day of April, 2021 by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:
ATTEST:

Mayor

SECOND READING PERFORMED AND ADOPTED on the 11th day of May, 2021 by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:
ATTEST:

Mayor

EXHIBIT “1”

17.16.111 Opportunity or O Zone.

A. Purpose

1. The Opportunity Zone or O Zone is intended to allow for the compatible and beneficial mixture of commercial, manufacturing, and residential uses in a single structure or on a single or multiple sites in a manner consistent with the City’s General Plan Goals and Policies.
2. This zone is primarily intended for commercial and manufacturing uses with residential dwellings as a secondary use to promote a live-work type environment. As a secondary use, residential dwellings shall be located above or behind the primary commercial or manufacturing uses.
3. This zone encourages craft-type manufacturing businesses with retail commercial spaces on the ground floor and multi-family residential development on the upper floors.
4. This zone is designed to achieve a convenient business and residential environment in areas where multiple activities and an increased degree of pedestrian orientation and open space are considered to be desirable.
5. New structures and additions to existing structures shall be required to meet specific design standards.
6. Land uses in this zone shall be required to meet specific performance standards.

B. Principal Permitted Uses.

1. **Light Manufacturing and Processing.** This use type allows craft and art manufacturing businesses which manufacture items from wood, ceramics, fabric, metals or glass; food and beverage processing and bottling; and light to moderate manufacturing of products such as household goods, clothing, recreational goods, electrical products, furniture, architectural products, and automotive goods. This use type can include other light manufacturing and processing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
2. **Distribution and Associated Warehousing.** This use type allows nurseries and greenhouses (non-cannabis), distribution warehouses for consumer products, and

indoor and outdoor storage facilities. This use type can include other distribution and associated warehousing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.

3. **Commercial Services.** This use type allows a variety of commercial services of both a light and heavy commercial character. Light commercial uses means stores, agencies, and services such as food markets, bakery shops, restaurants, bars, art galleries, book stores, clothing stores, pharmacies, beauty and barber shops, hardware and appliance stores, laundry facilities (excluding dry cleaning), florists, tailor shops, enclosed theaters, and music venues. Heavy commercial uses mean equipment rental, repair of engines or appliances, furniture repair shops, contractor shops and yards (including carpentry, electrical, plumbing, painting, printing, publishing, lithograph shops and other artistic endeavors). This use type can include other commercial services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
4. **Professional Offices and Services.** This use type allows administrative and research activities; radio and television broadcasting stations and offices; medical, dental and related services; and professional consulting, real estate and financial services. It also allows personal service shops, such as banks, grooming services, visitor service facilities or businesses of a similar nature. This use type can include other professional offices and services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
5. **Recreation and Education.** This use type allows trails and outdoor recreational uses (e.g. sports fields, sports complex, outdoor performance venues, etc.), public and commercial recreational facilities and schools and training programs in the areas of arts, crafts and light manufacturing. It can include RV/camping facilities, performance or art studios, theaters, or other venues for public assembly. This use type can include other recreation and education uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
6. **Public Works Facilities.** This use includes a City corporation yard and includes but is not limited to public works improvements, storage of materials, temporary holding of animals, and maintenance and repair of City equipment and vehicles.
7. **Four or Fewer Residential Dwellings Units.** This use type allows up to four residential units per parcel at a maximum density of 1 unit per 2,500 square feet of lot area. Such residential units can include, but are not limited to, studios,

condominiums, townhouses, and apartments. To be principally permitted, the residential units shall not be located on the ground floor of a structure and shall not exceed 35 percent of the floor area of a structure. For the purposes of the Opportunity (O) Zone, a residential dwelling unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area, or a total of 8 one-bedroom units per parcel as a principally permitted use.

C. Uses Permitted with a Use Permit.

1. Five or More Residential Dwelling Units. This use type allows five or more residential units per parcel at a maximum density of 1 unit per 2,500 square feet of lot area. Such dwellings can include, but are not limited to, studios, condominiums, townhouses, and apartments. With a use permit, the residential units shall not exceed 65 percent of the floor area of a structure. With a use permit, the residential units may also be located on the ground floor of a structure, but shall not front directly on the street or other non-vehicular access corridor (e.g. pedestrian/bicycle trails) and shall not exceed 50% of the floor area of the ground floor. For the purposes of the Opportunity Zone, a residential unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area. This use type allows nine or more one-bedroom units per parcel.
2. Other Uses. Listed uses that are not specifically principally permitted in the O Zone or not determined by the City Planner to be consistent with other principally permitted uses in the O Zone. This includes any other use which, in the opinion of the Planning Commission, is consistent with the intent of the zone, and will not constitute a nuisance or be detrimental to the district or surrounding land uses.
3. Exception to Development Standards. Projects that do not meet all the requirements in subsection D (Other Regulations), but, due to specific project design and amenities, conform to the purpose and intent of this section. As part of the review for this application type, additional technical studies may be required at the discretion of City staff to address potential impacts of the proposed exceptions. This could include, but is not limited to, preparation of a visual impact assessment, shadow analysis, biological report, lighting study, and noise study. Any technical studies required shall be prepared by a qualified professional as determined by City staff.

D. Other Regulations.

Specific site development guidelines have been prepared based on the design intent for the Opportunity (O) Zone. The objective of the guidelines is to help integrate buildings and other improvements with the topography and landscape to create a unified environment which is harmonious with the adjacent visual panorama.

1. Minimum lot area: 15,000 square feet.
2. Building coverage shall not exceed 70% of lot area.
3. Building height limit:
 - a. North of Taylor Way: Building height limits for properties north of Taylor Way are allowed to increase with distance from the trail that runs parallel to Powers Creek, as prescribed below.
 - i. Not exceeding 25 feet vertical within 50 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - ii. Not exceeding 35 feet vertical from 50-100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - iii. Not exceeding 45 feet vertical beyond 100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - b. South of Taylor Way: Not exceeding 45 feet vertical.
4. Setbacks:
 - a. No building or parking or storage area shall be constructed within 50 feet horizontal of the centerline of the main branch of Powers Creek or its tributaries (e.g., South Fork Powers Creek). The zone thus created, 50 feet horizontal from the centerline of Powers Creek outward, shall be preserved primarily as an area of riparian vegetation. Trails, art installations, interpretive signs, lighting, benches, picnic areas, and habitat enhancement projects are allowable within this setback area.
 - b. North of Taylor Way: For properties west of Monda Way and for parcel 025-201-018, no building or parking or storage area shall be constructed within 25 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek. This area is intended to be reserved for open space and other amenities such as landscaping, art, and benches.

For properties east of Monda Way, excluding parcel 025-201-018, no building or parking or storage area shall be constructed within 10 feet horizontal of the property line that runs parallel to Powers Creek or its tributaries.
 - c. South of Taylor Way: Buildings that exceed 25 feet vertical shall be required to be located a minimum of 25 feet horizontal from any public right-of-way.

- d. No building or parking or storage area shall be constructed within 50 feet horizontal of the boundary of the Blue Lake Rancheria. The zone thus created, 50 feet horizontal from the boundary of the Blue Lake Rancheria, shall be preserved as an undeveloped area of open space or riparian vegetation.
- 5. Manufacturing uses in this zone are required to be located on the ground floor of a structure.
- 6. Residential uses in this zone are required to be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
- 7. Parking and loading areas:
 - a. Sufficient onsite parking, as prescribed in Sections 17.24.100 and 17.24.230, shall be provided for employees, visitors and company vehicles.
 - b. The City Planner may waive off-street parking otherwise required if sufficient parking is proposed to be provided at a common off-site parking area. This shall not apply to accessible off-street parking spaces required by the American with Disabilities Act (ADA) or California Building Code.
 - c. Off-street loading as prescribed in Section 17.24.110.
- 8. Utilities:
 - a. All site improvements shall be designed to accommodate underground utilities and shall be required to convert to such as they become available. Utilities shall include, but are not limited to, drainage systems, sanitary sewers, gas, water, power, cable and telephone.
 - b. Within each site, utility lines may be located above ground if they are incorporated and concealed within buildings, trellises, or special architectural features.
 - c. Temporary overhead power and telephone lines will be permitted during construction, but are to be removed upon completion of construction.
- 9. Landscaping: A landscaping plan will be required for each site showing the locations, names, and initial sizes of plant materials, irrigation plan and groundcover materials. Ongoing maintenance and replacement (when needed) is a requirement of all uses within the O Zone. The City Planner will review each landscaping plan for approval. Landscape requirements are defined in Section 17.24.240. Where possible, required landscaping areas may also serve as areas

for infiltration of stormwater runoff, subject to review and approval by the City Engineer. Landscaping shall be maintained to comply with the requirements of the Solar Shade Protection Act (Public Resources Code § 25980 – 25986).

10. Open Space: Common usable open space shall be required for all residential development. There shall be one hundred (100) square feet of common usable open space required for each bedroom. Usable open space may consist of outdoor area on the ground, in required setbacks or on any balcony, deck, porch, or rooftop which is designed and accessible for outdoor living, recreation, and pedestrian access complying with the following provisions:
 - a. Required parking areas and their driveways and required minimum landscaping areas shall not be included in computing usable open space.
 - b. Areas included in computing common usable open space shall be accessible to all units in common and no such required space shall be less than three hundred (300) square feet in area and shall have no dimension less than fifteen (15) feet. Rooftops gardens and rooftop landscaping may be used to satisfy this requirement. No more than 50% of the required usable open space area shall be hardscape (e.g. concrete, asphalt, etc.), except in the case of private open space provided on the upper floors of a structure as allowed under subsection g.
 - c. Each element of usable open space shall be completely open on at least one (1) side and shall have a clear vertical height of not less than seven (7) feet, and not less than fifty (50) percent of the total required usable open space shall be unobstructed to the sky.
 - d. Usable open space shall be improved to support passive or active use by residents. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as art, planters, benches, fountains, and landscaping.
 - e. Usable open space shall be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
 - f. Where possible, pervious areas set aside as usable open space may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer.
 - g. Private usable open space may be substituted for common usable open space at a ratio three (3) square feet of private open space for every two (2) square feet of common open space required, provided such element of open space either has an area of at least one hundred fifty (150) square feet, with no dimension less than ten (10) feet, if located at ground level,

or an area of at least fifty (50) square feet, with no dimension less than six (6) feet, if located above ground level.

- h. The City Planner may waive the requirement to provide usable open space on-site if sufficient usable open space is proposed to be provided at a common off-site area.

- 11. Site Plan Approval, as prescribed in Section 17.24.250, is required for new development, exterior additions to existing development, and the permanent or temporary placement and use of large stationary equipment outdoors. The Planning Commission may develop additional guidelines in written form that provides direction for meeting criteria listed in Section 17.24.250.

E. Performance Standards.

Projects must be designed and operated to comply with the following performance standards to minimize potential impacts during long-term operation. Special studies (e.g. noise studies, lighting plans, etc.), as determined by the City Planner, may be required to be submitted during processing of planning or building permit applications to provide evidence that compliance can be achieved prior to consideration of the project by the Planning Commission or issuance of building permits.

- 1. Toxic Substances. Any use which involves processes that will result in toxic substances or pollutants escaping (by air or water) from the site shall comply with all applicable Local, State and Federal regulations and shall require a use permit from the Planning Commission. Medical wastes are to be disposed of according to all applicable regulations. All processes shall comply with the applicable Local, State and Federal laws regarding airborne and waterborne emissions.
- 2. Signs. Any signs that will be used on-site, as well as signs on buildings, must be approved by the City Planner before they are posted. Free-standing signs shall be limited to 50 square feet in size and the top thereof shall not be higher than 10 feet above the ground. Signs shall be consistent with the general sign motif established for the Opportunity (O) Zone.
- 3. Lighting/Glare. Outdoor lighting shall be approved by the Planning Commission through the Site Plan Approval process as specified in Section 17.24.250. All outdoor lighting shall be designed to meet the following requirements:
 - a. All lighting fixtures shall comply with the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant"). This includes, but is not limited to, requirements for acceptable fixture types and maximum color temperature.
 - b. All lighting fixtures shall be the minimum lumens required for safety and security.

- c. All lighting fixtures shall be shielded and directed downward to minimize lighting shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site, and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.
- d. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.
- e. Stand-alone light fixtures shall be limited to a maximum of 20 feet vertical.
- f. No lighting shall produce an illumination level greater than one-foot candle beyond the property boundary of the site of the light source.

Building materials or other site improvements that cause glare to nearby properties are prohibited.

- 4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3), shall be required to incorporate noise mitigation measures into the project design to ensure compliance. Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3), shall be required to implement effective noise mitigation measures to achieve compliance.
- 5. Dust. Any use that results in dust escaping from the site is required to mitigate to reduce the dust. Refer to North Coast Unified Air Quality Management District regulations for current limitations and requirements.
- 6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are determined by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.
- 7. Odors. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the zoning district.
- 8. Storage, Service and Loading Areas.
 - a. Storage, service and loading areas shall be recessed or screened with fences, walls, berms, or plantings to reduce their visibility from adjacent streets or properties.
 - b. Materials, equipment, supplies, trash containers, inoperable vehicles, etc. shall be stored within an enclosed building or behind visual barriers such

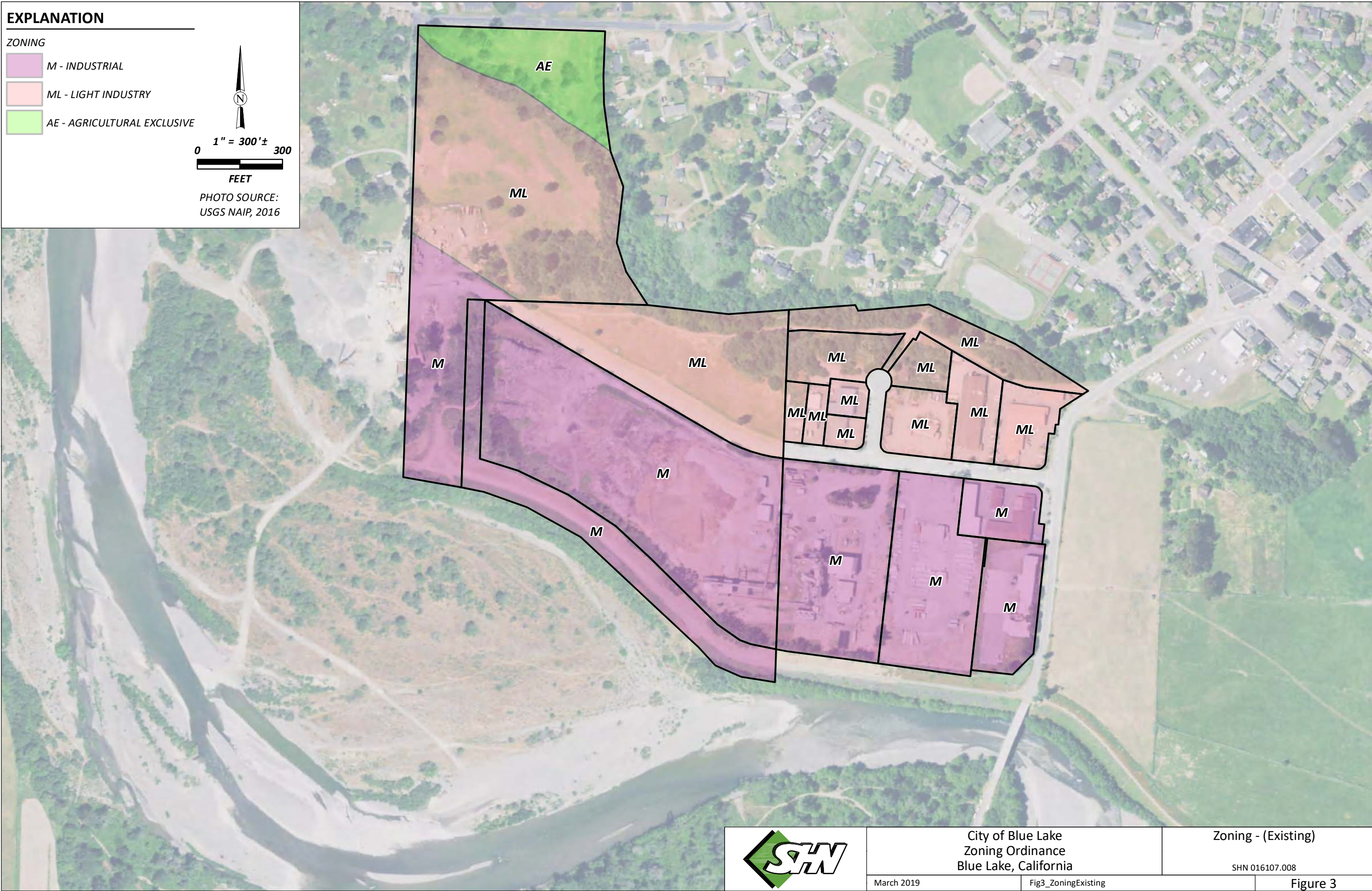
as fences, walls, berms, or plantings.

9. No use shall be permitted which does not comply with State and Federal laws.

F. Zoning Map Designation.

The Zoning Map designation for the O Zone shall be “O”.

EXHIBIT “2”



EXPLANATION

ZONING

M - INDUSTRIAL

ML - LIGHT INDUSTRY

AE - AGRICULTURAL EXCLUSIVE

N

0

1" = 300'±


300

FEET

PHOTO SOURCE:

USGS NAIP, 2016

\\Arcata\Projects\2016\016107A-Blue-Lake\GIS\Projects\008ZoningOrd\ USER:jsousa DATE:3/4/2019

	City of Blue Lake Zoning Ordinance Blue Lake, California		Zoning - (Existing)
	March 2019	Fig3_ZoningExisting	SHN 016107.008
			Figure 3

EXPLANATION

ZONING

M - INDUSTRIAL

O - OPPORTUNITY

X - OPEN SPACE / RECREATION

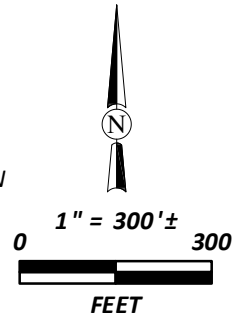
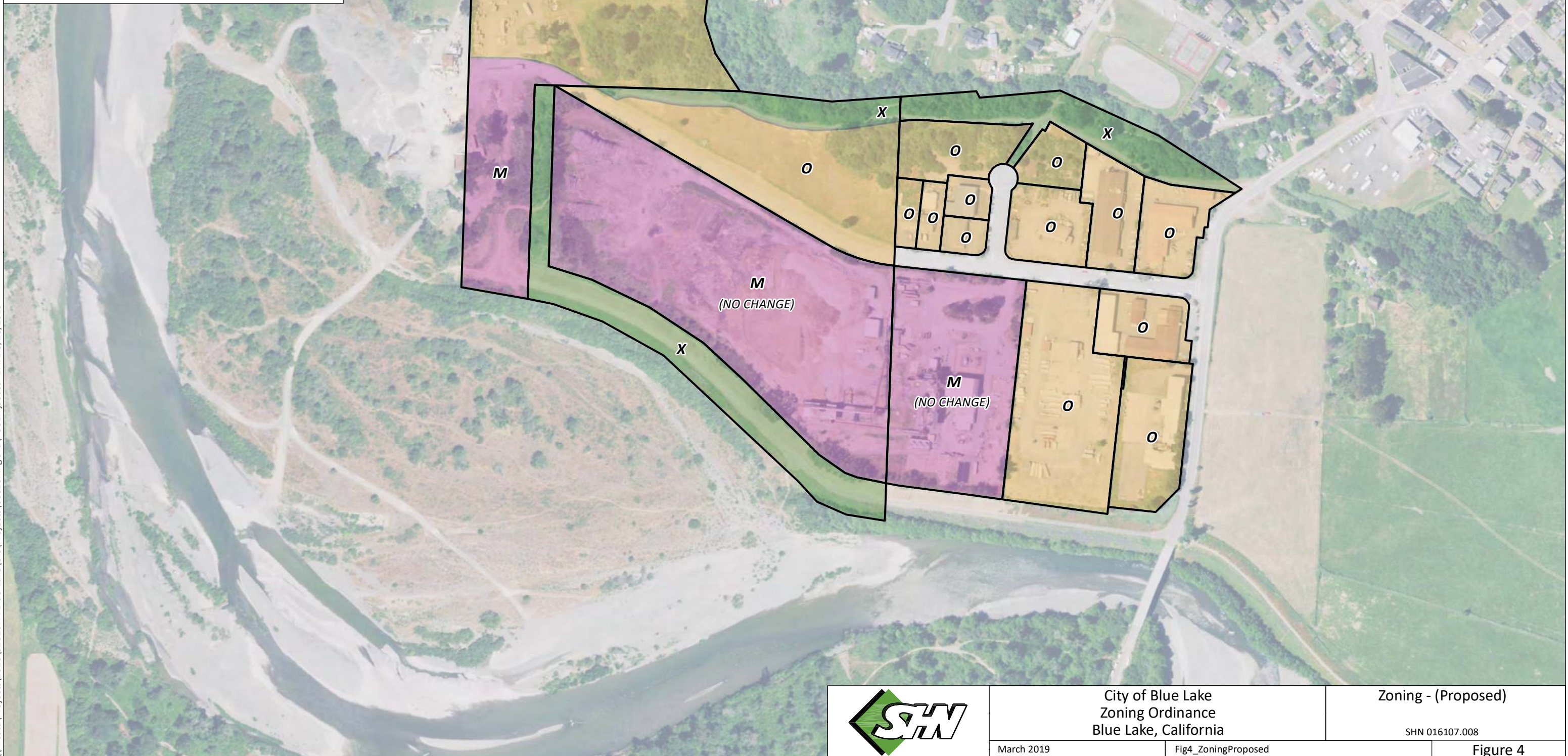


PHOTO SOURCE:
USGS NAIP, 2016



City of Blue Lake
Zoning Ordinance
Blue Lake, California

Zoning - (Proposed)

SHN 016107.008

March 2019

Fig4_ZoningProposed

Figure 4